

## **HAMPTON PLANNING BOARD – MINUTES**

December 3, 2003

<b>PRESENT:</b>	Thomas Gillick, Chairman Robert Viviano, Vice Chairman Bill Bilodeau, Alternate Tom Higgins Jack Lessard Keith Lessard Skip Sullivan, Selectman Member Mark Fougere, Interim Town Planner	<b>ABSENT:</b>	Jennifer Kimball, Town Planner Tracy Emerick, Clerk
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Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. K. Lessard to lead the Pledge of Allegiance.

Mr. Gillick addressed purposes of the Planning Board and rules of how a public hearing is held. State statutes mandate the Planning Board operates with three sets of rules: Zoning, Subdivision, and Site Plan Regulations. The people of Hampton in a public hearing give these Regulations by vote, at the annual Town meeting. They can only be changed, rescinded, or modified by the people of Hampton in a public hearing, by vote, at the annual Town meeting. At times, the applicant may have to get a variance from the Zoning Board of Adjustment in order to meet compliance. Any application that comes before the Planning Board has complied with the appropriate Regulations. In the process of dealing with site plans and subdivisions, one of the first steps the Planning Board takes is jurisdiction, which means, that the Board is satisfied that the application has complied with the appropriate regulation(s), and is “complete enough” in order for the Board to make an informed decision. The Board wants to be, and is for the most part, careful that the Statutes of the public welfare and safety are met. Once jurisdiction is taken, it starts an automatic 65-day clock – a time period where the Board, by Statute, must make a decision. If it fails to make a decision, the application is approved by default. The application can be continued if the applicant grants the Board that authority to continue beyond the 65 days. In that 65-day period, the Board asks Town Departments (Fire, DPW, Police, Water, etc...) for review and comments if the Board has overlooked something, or there are any other major concerns. Taking jurisdiction is not approving the project. If, and when, the Board decides to approve an application it usually approves with conditions (i.e. abutters concerns about noise, lighting, etc... any number of things). Those conditions have the force of law, as does the approval. If the application were to be appealed in court, the Board members must be able to know, and say, whether the application did, or did not, comply with a certain Regulation. The Public Hearing process is that important where the Board is seeking the Public input to help in the decision making process. If an application is before us, that meet all the Regulations, it would be difficult to explain to a Judge the approval should not have been granted when, in fact, it did meet all the requirements and Regulations.

### **II. NEW PUBLIC HEARINGS:**

1. David MacFarlane & Peter L. Curtis  
Lot Line Adjustment at  
15 Norton Street & 78 Mace Road  
Map 146, Lot 47 & Map 146, Lot 43  
Waiver requested: Subdivision Regulations V.E (detailed plan)  
Owner of Record: David MacFarlane & Peter L. Curtis

Mr. Gillick read a fax memo from Mr. Ernie Cote, dated November 25, 2003, stating withdrawal of the David MacFarlane & Peter L. Curtis Lot Line Adjustment at 15 Norton Street & 78 Mace Road, Map 146, Lot 47 & Map 146, Lot 43, Waiver requested: Subdivision Regulations V.E (detailed plan), at the applicants' request. This is necessary until Zoning Board issues have been resolved.

## **I. CONTINUED PUBLIC HEARINGS:**

1. 389 High Street Realty Trust  
Site Plan Review – 7 Unit Building at  
389 High Street  
Map 180, Lot 3A-6 & 7  
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee

## **II. NEW PUBLIC HEARINGS:**

6. 389 High Street Realty Trust  
Special Permit Application associated with 7 Unit Building at  
389 High Street  
Map 180, Lot 3A-6 & 7  
Waiver Requested: Subdivision Regulations Section V.E. 8 (storm water drainage control plan)  
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee
7. 389 High Street Realty Trust  
Conditional Use Request associated with 7 Unit Building at  
389 High Street  
Map 180, Lot 3A-6 & 7  
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee

Attorney Peter Saari introduced himself as representing the applicant. He stated the applicant would like to see jurisdiction taken this evening and welcomes comments from the Board and the Interim Planner, Mr. Fougere.

## **OPEN PUBLIC HEARING:**

Jim Shawtall of 3 Alexander Drive introduced himself. His concerns are 40' set back, size of building, not consistent with area structures, and viability of project in long run.

Todd Wiskelis of 2 Alexander Drive introduced himself. He stated although he is not an abutter to this project he certainly will have an impact on his property. His concerns are size of building mass, 600 sq. ft. increase impacting the view on his property (building, roof, etc...). Additionally, concerns are traffic increase considerations.

Mr. Cliff Pratt of 98 Locke Road introduced himself. His concerns are the amount of wetlands being impacted by this project, size of structure, and drainage.

## **CONTINUE PUBLIC HEARING.**

Mr. Fougere briefly discussed some previous issues of the driveway layout and the applicant did 'flip' the driveway to the opposite side of the structure that would have the building and the driveway further away from Alexander Drive – which has raised some additional concerns regarding previous ZBA approvals. Mr. Gillick stated the Board is working with the plan that is before the Board tonight, not any other plan. Mr. Gillick asked for Board comments. Mr. K. Lessard is opposed to the waiver request from a storm water drainage control plan. Mr. Joseph Coronati of Jones and Beach Engineers explained waiver request is the property is about 5 ½ acres and in order to keep the tree line intact the waiver was requested in lieu of having to put a detention pond in. Mr. Coronati stated he requested comments from Ambit Engineering regarding this proposal. Additionally, Mr. Coronati stated the detention pond would take up approximately 3,000 sq. ft. and this figure based the decision to eliminate the detention pond and request the waiver. Mr. Fougere asked Mr. Coronati to explain how the drainage would be treated on this property.

Mr. Coronati expects, after the Ambit Engineering review and comments, to have curbing on the outside edge of the driveway where any runoff that doesn't soak into the ground to enter two catch basins which would be located at the garage entrance.

Mr. Coronati continued, this would then direct storm water easterly to a head wall which outlets into treatment swale to a level spreader that spreads out the storm water so it travels to the woods in a sheet flow to overflow area (100' treatment before the water gets to the wetlands). Mr. Coronati explained that the storm water would be clean, consisting of touching mainly rooftops or eco-paver stones and no actual paved parking lots. Mr. K. Lessard asked where would snow removal be kept and still concerned with drainage/treatment issues. Mr. Fougere recommended the Board consider a consensus regarding the waiver request and recreation space and what would be acceptable. Mr. Gillick asks if the site plan regulations for multi-family require a designated, common recreation area. Mr. Fougere stated the regulations do not specify exactly what that is, however, it does need to be shown on the plan and currently is just a note on this plan before the Board. Mr. Coronati explained the requirement is 2,800 sq. ft. and the applicant is proposing it on the plan as conservation land and walking trails. Mr. Coronati answers Mr. Viviano of the conditional use request: it is required because the project is located in the Aquifer Protection Zone. Mr. Fougere discussed some of the water/pond issues and the applicant would not be using an onsite well. Mr. K. Lessard **MOTIONED** to accept jurisdiction of and continue the 389 High Street Realty Trust Site Plan Review, Special Permit Application, and Conditional Use Request associated with a 7-Unit Building at 389 High Street, Map 180, Lot 3A-6 & 7 of plan #02108, dated 9/18/03 subject to:

- 1) Compliance with issues outlined in Jennifer Kimball's memo (updated by Mark Fougere on November 5, 2003),
- 2) Compliance with issues outlined in Ambit Engineering's memo dated November 21, 2003,
- 3) Revised plan to show the site will not served by an on-site well, and
- 4) Submittal of a revised plan showing detention pond and additional recreation space to the Planning office by January 9, 2004. This will be in accordance with Board consensus on these issues expressed December 3, 2003.

Mr. Sullivan **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

**I. CONTINUED PUBLIC HEARINGS:**

2. North Beach Investments, Inc.  
Site Plan Review – 28 Unit Hotel at  
703 Ocean Boulevard  
Map 235, Lot 9  
Waivers Requested: Subdivision Regulations Section V.E.8 (storm water drainage)  
Owner of Record: North Beach Investments, Inc.

**II. NEW PUBLIC HEARINGS:**

8. North Beach Investments, Inc.  
Site Plan Review – 28 Unit Hotel at  
703 Ocean Boulevard  
Map 235, Lot 9  
Waivers Requested: Subdivision Regulations Section VII.B.3 (parking lot design)  
Owner of Record: North Beach Investments, Inc.

Mr. Fougere acknowledge the applicant's written request for a Waiver: Subdivision Regulations Section VII.B.3 (parking lot design) associated with the referenced application, dated November 12, 2003, had been received and processed by the Town of Hampton Planning Office. Additionally, the Board acknowledged a previous vote to postpone the North Beach Investments, Inc. Site Plan Review – 28 Unit Hotel at 703 Ocean Boulevard, Map 235, Lot 9, Waivers Requested: Subdivision Regulations Section V.E.8 (storm water drainage), and Subdivision Regulations Section VII.B.3 (parking lot design) application to the January 21, 2004 Planning Board meeting.

## II. NEW PUBLIC HEARINGS:

2. Philip Bean  
Condominium Conversion at  
One Richard Street  
Map 207, Lot 51  
Waiver requested: Subdivision Regulations V.E (detailed plan)  
Owner of Record: Blue 2 Realty LLC

Mr. Ernie Cote introduced himself as representing the applicant. A letter of authorization from the applicant was submitted, for the record, allowing Mr. Cote to speak on the applicants' behalf. He proceeded to explain the application as a Condominium Conversion that would not change the existing structure. It is currently a two-unit apartment building and the proposal is to have them changed to condominiums – one would use the 1<sup>st</sup> floor, the other would utilize the 2<sup>nd</sup> and 3<sup>rd</sup> floor with the basement being common area. Mr. Fougere submitted a staff report for the Board with considerations requiring Board action.

### OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Gillick asked for Board comments, hearing none, Mr. J. Lessard **MOTIONED** to grant the Waiver requested: Subdivision Regulations V.E (detailed plan). Mr. Sullivan **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. J. Lessard **MOTIONED** to approve Condominium Conversion at One Richard Street, Map 207, Lot 51, of plan #4-63-2832, dated 11/12/03, subject to:

- 1) Submittal of revised plans delineating the RA Zoning District requirements, and
- 2) Submittal of final plans, mylar, and recording fees will be required.

Mr. Sullivan **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. James & Enid Crnkovic  
Condominium Conversion at  
6 Bradford Avenue  
Map 293, Lot 180  
Waiver requested: Subdivision Regulations V.E (detailed plan)  
Owner of Record: James & Enid Crnkovic

Attorney Peter Saari introduced himself as representing the applicant. Mr. Ernie Cote and Mr. James Crnkovic were also present. He proceeded to explain the application as a Condominium Conversion that would not change the existing structure. Mr. Fougere submitted a staff report for the Board with considerations requiring Board action.

### OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Gillick asks for Board comments. Mr. Higgins asks for clarification on the dividing of the structure. Attorney Saari explained there will be two units to each condominium, *two driveways on either side of the four dwelling units*, and there are 3 buildings currently existing, one building will be converted making it a total of four dwelling units. Mr. Sullivan **MOTIONED** to grant the Waiver requested: Subdivision Regulations V.E (detailed plan). Mr. J. Lessard **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. K. Lessard **MOTIONED** to approve the Condominium Conversion at 6 Bradford Avenue, Map 293, Lot 180, of plan #4-64-3640, dated 11/12/03, subject to:

- 1) Submittal of final plans, mylar, and recording fees will be required.

Mr. Viviano **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Lincolnshire Realty, LTD (Palm Beach, FL)  
Site Plan Review to erect 2 Warehouse Buildings with utilities, access road, & 23 parking spaces at  
343 Exeter Road  
Map 51, Lot 3  
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)

Ms. Jessica Winston, Associate Engineer from Millette, Sprague, & Colwell introduced herself as representing the applicant. Also present was Ms. Amanda Barker from New Hampshire Soil Consultants and Mr. Rich Corell from Corell Associates & Architects. Ms. Winston proceeded to explain the application is for a 12' wide access road, two 17,000 sq. ft. warehouse buildings for storage of antique vehicles. The 21.5-acre parcel is located in the industrial & residential AA zone and is across the street from The Bayberry Classic cars. A variance was granted in October 2003 to allow warehouse use in a residential zone. A Special Permit application has been filed with the Town for the impact of the buffer, which is due to the access road. The view of the surrounding wetlands was taken into consideration while designing the roadway to access the warehouse building. The access road is designed to be a narrow, 12' wide roadway, which crosses 1/10 of an acre of wetlands – minimal impact to the wetlands that would be necessary on that lot. During the road construction, underground utilities, including a gas line will be constructed. Beyond that the lot is self sufficient with a septic system design and an onsite well. Ms. Winston requested the Board consider sending the plans out for review. Mr. Fougere submitted a staff report outlining various comments for the Boards consideration and asked the applicant to clarify what appears to be a road going through a building. Ms. Winston stated the intent was to create a road that was not well traveled by lots of vehicles and to be mainly used by the storage vehicles. Mr. Gillick stated he and Mr. Fougere previously drove through the site and the concern is Emergency vehicle access and the Fire Department review and comments will be considered regarding such.

#### **OPEN PUBLIC HEARING: NO COMMENT**

#### **CONTINUE PUBLIC HEARING.**

Mr. Gillick asks for Board comments. Mr. K. Lessard asked if there would be any vehicle maintenance on site. Ms. Winston clarified this would be strictly a storage facility. Mr. K. Lessard **MOTIONED** to continue the Lincolnshire Realty, LTD (Palm Beach, FL), Site Plan Review to erect 2 Warehouse Buildings with utilities, access road, & 23 parking spaces at 343 Exeter Road, Map 51, Lot 3 Site Plan Review Application to the January 21, 2004 Planning Board meeting subject to:

- 1) Review and comment regarding Mark Fougere' staff report dated December 3, 2003, and
- 2) Review and comments of plans from Town Departments

Mr. Sullivan **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Richard A. & Ruth E. Bley (Summerwood Subdivision)  
Special Permit Application associated with 8-Lot Subdivision at  
Timber Swamp Road  
Map 137, Lot 1  
Waiver Request: Subdivision Regulations Section VII.C.2 (peak rate runoff)  
Owner of Record: Richard A. & Ruth E. Bley

#### **III. OLD BUSINESS:**

1. Richard A. & Ruth E. Bley (Summerwood Subdivision)  
8-Lot Subdivision at  
Timber Swamp Road  
Map 137, Lot 1  
Owners of Record: Same as Above  
*Jurisdiction Accepted May 7, 2003, extended by applicant*

Attorney Peter Saari introduced himself as representing the applicant. Mr. Tobin Farwell from Altus Engineering and Mr. Richard Bley was also present. Attorney Saari stated the applicants' intention was to seek approval this evening. He continued that the drainage issues have been addressed. Mr. Gillick requested the Easement letter from the abutters. Mr. Farwell submitted copies of the Hurd and Brady letters for the record. Mr. Fougere provided a brief summary of the application highlighting the new drainage proposal having no objections from the Conservation Commission or DPW. Mr. Farwell stated an overview of the drainage and treatment of runoff having been in front of the applicant and abutters with no objections.

#### **OPEN PUBLIC HEARING: NO COMMENT**

#### **CLOSE PUBLIC HEARING.**

Mr. Gillick asks for Board comments. Mr. K. Lessard asked for the Conservation Commission letter to be read into the record dated October 28, 2003. Mr. J. Lessard **MOTIONED** to grant the Waiver Request: Subdivision Regulations Section VII.C.2 (peak rate runoff). Mr. Higgins **SECONDED**. **VOTE: 5 = YES / 1 = OPPOSED** (Mr. K. Lessard ). **MOTION PASSES IN THE AFFIRMATIVE**. Mr. Higgins **MOTIONED** to approve the Richard A. & Ruth E. Bley (Summerwood Subdivision) 8-Lot Subdivision and Special Permit Application at Timber Swamp Road, Map 137, Lot 1, of plan #P3650, revision dated 11/04/03, subject to:

- 1) Official seal (stamp) of all professionals including Soil Scientist included on plans,
- 2) Compliance with item #8 of Ambit Engineering memo dated 12/3/03,
- 3) Note limit of clearing on proposed site work,
- 4) Submit easement documents for onsite drainage, and note as outlined in DPW memo dated December 3, 2003, responsible parties for maintenance of these and the other two easements noted on the plan (Hurd & Brady easements), and
- 5) Plan shall comply with stipulations as outlined in Conservation Commission letter dated October 25, 2003.
- 6) Submittal of appropriate Bond estimate to be reviewed by DPW and Ambit Engineering before approval. Additionally, adequate surety established covering approved Bond amount.
- 7) Submittal of final plans, mylar, and recording fees will be required.

Mr. Bilodeau **SECONDED**. **VOTE: 5 = YES / 1 = OPPOSED** (Mr. K. Lessard ). **MOTION PASSES IN THE AFFIRMATIVE**.

9. Hampton Woods, LLC (formerly Seacoast Woods)  
Amended Site Plan Review – 23 Units at  
2 Walker Circle  
Map 157, Lot 2A  
Waiver requested: Subdivision Regulations V.E (detailed plan)  
Owner of Record: Hampton Woods, LLC
10. Hampton Woods, LLC (formerly Seacoast Woods)  
Lot Line Adjustment and Name Change – 23 Units at  
2 Walker Circle  
Map 157, Lot 2A  
Owner of Record: Hampton Woods, LLC

11. Appleton Hampton, LLC (formerly Hampton Woods)  
Amended Site Plan Review – 113 Units at  
3 Walker Circle  
Map 157, Lot 3-2  
Waiver requested: Subdivision Regulations V.E (detailed plan)  
Owner of Record: Appleton Hampton, LLC
12. Appleton Hampton, LLC (formerly Hampton Woods)  
Lot Line Adjustment and Name Change – 113 Units at  
3 Walker Circle  
Map 157, Lot 3-2  
Owner of Record: Appleton Hampton, LLC

#### IV. ATTENDING TO BE HEARD

1. Appleton Hampton, LLC (formerly Hampton Woods)  
Release of \$18,000.00 Surety for the construction of Walker Circle at  
Walker Circle/Drakeside Road  
Map 157, Lot 3-2 & 2A

Mr. K. Lessard stepped down from hearing this application.

Mr. Tom Nigrelli introduced himself as representing the applicant. He proceeded to explain the application where the applicant received a variance to eliminate Walker Circle. The land that formerly was Walker Circle is now proportioned equally to the two parcels. The 25' of frontage now extends out to Drakeside Road. Addresses have been established and changed with the Assessors office to 241 & 243 Drakeside Road and Walker Circle, for all intents and purposes, no longer exists. Mr. Fougere addressed his staff report and suggested the Board consider taking action on the Lot Line Application, explaining when this plan was originally approved by the Board there was an \$18,000.00 bond posted for the construction/completion of Walker Circle, and with the proposed changes, and Board approval, this will no longer be necessary. Mr. Fougere continued to read into the record a written recommendation from Mr. John Hangen, Director of Hampton Department of Public Works, dated November 25, 2003, supporting release of the surety.

#### OPEN PUBLIC HEARING: NO COMMENT. CLOSE PUBLIC HEARING.

Mr. Gillick asked for Board comments. Hearing none, Mr. J. Lessard **MOTIONED** to release the \$18,000.00 Surety being held for the construction of Walker Circle at Walker Circle/Drakeside Road, Map 157, Lot 3-2 & 2A. Mr. Bilodeau **SECONDED**. **VOTE: 5 = YES / 1 = ABSTAIN** (Mr. K. Lessard). **MOTION PASSES IN THE AFFIRMATIVE.** Mr. Fougere stated that the Planning office would contact the Bank and process the necessary paperwork for the applicant.

Mr. Fougere submitted a staff report with recommendations for the Board to consider and briefly outlined each of them as they regarded to each of the applications.

Mr. J. Lessard **MOTIONED** to grant the Hampton Woods, LLC (formerly Seacoast Woods) Waiver requested: Subdivision Regulations V.E (detailed plan). Mr. Higgins **SECONDED**. **VOTE: ALL. MOTION PASSES IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to grant the Appleton Hampton, LLC (formerly Hampton Woods) Waiver requested: Subdivision Regulations V.E (detailed plan). Mr. Higgins **SECONDED**. **VOTE: ALL. MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Gillick asked for Mr. Fougere' guidance in continuing the Boards approval process. Mr. J. Lessard **MOTIONED** to withdraw the requirement (from the original approval) that a deed be submitted to the former Walker Circle now that a private road will provide access. Mr. Bilodeau **SECONDED**. **VOTE: ALL. MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Gillick asked for Mr. Fougere' guidance in continuing the Boards approval process. Mr. Sullivan **MOTIONED** to approve the Hampton Woods, LLC (formerly Seacoast Woods) & Appleton Hampton, LLC (formerly Hampton Woods) Lot Line Adjustment plan #02002, dated 10/17/03, and Name Changes, associated with 23 and 113 Units at 2 & 3 Walker Circle, Map 157, Lot 2A subject to:

- 1) The proper map & lot number should be added to the plan, the Hampton Woods parcel is Map 157 Lot 2A. The lot line relocation plan should be amended to remove any reference to Walker Circle, the proper street addresses to the properties should be noted and project names should be added to the sites (Hampton Woods to lot 157-2A and Appleton Oaks to 157- 3-), and
- 2) Submittal of revised final plans, mylar and recording fees will be required. Fees to cover the cost of the proposed Access Easement shall also be submitted.

Mr. Bilodeau **SECONDED**. **VOTE: 5 = YES / 1 = ABSTAIN** (Mr. K. Lessard). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Gillick asked for Mr. Fougere' guidance in continuing the Boards approval process. Mr. J. Lessard **MOTIONED** to approve the Amended Site Plan Review of Appleton Oaks, LLC (formerly Hampton Woods) plan #02002, dated 04/10/01 subject to:

- 1) The site plan should be amended to remove any reference to Walker Circle and the proper street address (241 Drakeside Road) for the property should be noted in the plan title, and
- 2) Submittal of revised final plans, mylar and recording fees will be required.

Mr. Bilodeau **SECONDED**. **VOTE: 5 = YES / 1 = ABSTAIN** (Mr. K. Lessard). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to approve the Amended Site Plan Review of Hampton Woods, LLC (formerly Seacoast Woods) plan #03030, dated 03/25/03 subject to:

- 1) The site plan should be amended to remove any reference to Walker Circle and the proper street address (243 Drakeside Road) for the property should be noted in the plan title. Survey stamp should be added to plan, and
- 2) Submittal of revised final plans, mylar and recording fees will be required.

Mr. Viviano **SECONDED**. **VOTE: 5 = YES / 1 = ABSTAIN** (Mr. K. Lessard). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Keith Lessard returns.

13. Unitil Energy Systems, Inc. (formerly Exeter & Hampton Electric Company)  
Special Permit to relocate & replace two existing power transmission line poles at  
115 Landing Road & Taylor River  
Map 239, Lot 1 & Map 248, Lot 1  
Owner of Record: Unitil Energy Systems, Inc.

Mr. Scott Shephard of Unitil Energy Systems, Inc. introduced himself as representing the applicant. Mr. John Davis of J.A. Davis Engineers was present as well. Mr. Davis proceeded to explain the application and photos that were distributed to the Board. The existing poles were installed back in 1972, and the banks of the river have eroded back impacting the stability of the poles. The plans show the existing poles and the relocation of the new poles being pushed back from the riverbanks. Mr. Fougere read the memo from the Conservation Commission dated November 26, 2003 stating they have no objection to the Special Permit and are requesting to be notified at start and finish of project and expect proper erosion controls be in place.



**OPEN PUBLIC HEARING: NO COMMENT.**

**CLOSE PUBLIC HEARING.**

Mr. Gillick asked for Board comments. Hearing none, Mr. Viviano **MOTIONED** to grant the referenced Special Permit Application to relocate & replace two existing power transmission line poles at 115 Landing Road & Taylor River, Map 239, Lot 1 & Map 248, Lot 1, subject to Compliance with the Conservation Commissions conditions in their memo (dated November 26, 2003) stating:

- 1) Notification be made to the Conservation Commission upon starting and completing project, and
- 2) Proper sediment and erosion controls are in place.

Mr. Sullivan **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

**IV. ATTENDING TO BE HEARD:**

3. 38 Reddington Landing  
Release of Utility Easement

Attorney Paul Rupp introduced himself as representing the applicant. William & Lydia Keohane Owners of record were also present. Attorney Rupp proceeded to explain the request of RSA 41:14a requesting the Board of Selectman release that portion of an easement running across 38 Reddington Landing. Currently the garage at 38 Reddington Landing (as shown on Exhibit A submitted for the record) sits on top the encroachment. Because this property is under agreement to be sold, and the buyers have objected to the marketability of the property title because the garage is currently encroaching on the easement. The exhibit shows it encroaches 2'-3' along the course of 24' for a total of 64 sq. ft. The easement is a variable width utility easement and after researching there are no utilities in that area, and none found when the garage was constructed. Mr. Fougere added some history for the Boards information that this property was actually approved in the early '80's for a dense multi-family project. Only one portion of that was ever built and as a part of that approval along the back of this property, there was a sewer line proposed and that is where this easement was established. Mr. Fougere continued, back in 1995 the Planning Board approved a modification for 10-15 single-family homes and the easement was inadvertently left on the plan, there is no sewer line back there and that portion of the line was abandoned. The sewer flow is at the beginning of the road. Mr. Fougere explained after lengthy discussion with Town Attorney Mark Gearreald, both are confident this encroachment will not have any impact should the Board agree to release the easement. Attorney Rupp did submit with their request a proposed quick claim deed that would technically release of that 64 sq. ft. The language was not finalized with Town Attorney Gearreald as yet, and basically the Town is relinquishing any rights, title, and interest that it may have in that 64 sq. ft. of land. Mr. Sullivan **MOTIONED** for a letter to be written to the Board of Selectman supporting the release of that portion of the utility easement (as shown on Exhibit A). Mr. K. Lessard **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Brooke's Lane Subdivision  
Acceptance of Storm Water Drainage Easement  
Setting of \$30,000.00 Surety for Brooke's Lane

Mr. Gillick asked for Mr. Fougere' briefing on this request. Mr. Fougere stated the Planning Board approved the Brooke's Lane Subdivision in 2002. The Board of Selectman are requesting the Planning Boards support to take action and accept the easement. Mr. J. Lessard **MOTIONED** to support the acceptance of storm water drainage easements. Mr. Sullivan **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Additionally, Mr. Fougere continued to explain the Brooke's Lane existing bond in place (\$159,000.00) and a substantial amount of work is completed. A letter of recommendation from John Hangen, Director of Public Works was submitted for the record recommending reducing the bond to \$30,000.00. Mr. Viviano **MOTIONED** to revise the bond amount being held to \$30,000.00. Mr. J. Lessard **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Fougere stated that the Planning office would contact the Bank and process the necessary paperwork for the applicant.

**V. CONSIDERATION OF MINUTES – NOVEMBER 19, 2003:**

Mr. J. Lessard **MOTIONED** to approve the minutes as written. Mr. Sullivan **SECONDED**. **VOTE: 4 = YES / 2 = ABSTAIN** (Mr. Higgins & Mr. Bilodeau ). **MOTION PASSES IN THE AFFIRMATIVE.**

**VI. CORRESPONDENCE:**

1) Mr. Joseph Valle/Liberty Lane Office Park:

Mr. Gillick read a memo dated November 26, 2003 from Mr. Joseph Valle who was involved in the development of Liberty Lane Office Park. Mr. Gillick continued to read that Mr. Valle would like to meet with the Board to discuss, informally, their plans and desire to create housing on land owned adjacent to the Office Park. Because the plans would involve a zoning change, Mr. Valle is seeking Planning Board support at the 2004 Annual Town Meeting. Mr. Fougere recommends Board consensus to have Mr. Valle on an “attending to be heard” agenda for December 17, 2003.

2) Conservation Commission:

Mr. Gillick read a memo dated November 26, 2003 from Ellen Goethel, Conservation Commission Chair requesting a Planning Board member attend their monthly meeting and site walk. Mr. Gillick recommends Board consensus to have Mr. Bilodeau be the liaison and attend their meetings on the fourth Tuesday of every month. Because of his recent surgery, if he should not be able to fulfill the obligation, another member would be assigned.

3) Hampton Beach Area Commission:

Mr. Gillick read part of the minutes of the November 20, 2003 Hampton Beach Area Commission will be available at the Planning Office. He reminded the Board that he had attend their meeting and that the Planning Board would try to stay on top of what they are doing. Mr. Higgins will be a liaison for that program.

4) Guide to Zoning/Land Use:

Mr. Gillick read briefly from a brochure regarding a Zoning/Land Use conference that will be held at Concord, NH in March 2004. He stated it would be very informative. A copy of the brochure will be in the Board members’ mail folder at the Planning office. Should anyone like to attend notify the Planning Office for registration.

**VII. OTHER BUSINESS**

None.

Mr. Sullivan **MOTIONED** to adjourn. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:12 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary

*Minutes as amended December 17, 2003*